

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE for A-5-MDR-00-472

LOCAL GOVERNMENT: County of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-MDR-00-472

APPLICANT: Marina Pacific Associates

PROJECT LOCATION: 4400 and 4500 via Marina, Marina Del Rey, County of Los Angeles

PROJECT DESCRIPTION: Demolition of an administration building and construction of one 120 unit, 60-foot tall apartment building (72 one-bedroom and 48 two-bedroom units; four residential stories over two levels of parking) with appurtenant office administration (leasing) and fitness center facilities on Parcel 112, Marina Del Rey ; phased replacement and reconfiguration of the existing Marina Harbor Anchorage, on the waterside portions of Parcels 111 and 112 (replacing 590 existing, aging boat slips); phased renovation of the 846 existing apartment units on Parcels 111 and 112, including improvement to the exterior "hardscape" and landscape of the developed parcels; construction of a public promenade along the seawall bulkhead of Parcels 111 and 112, including an approximately 4,500 square foot public viewing park at the eastern corner of Parcel 112, adjacent to the main channel; and realignment of Bora Bora Way approximately 60 feet to the north of its current intersection with Via Marina to facilitate construction of the proposed apartment building.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed because the project approved by the County is not consistent with Coastal Act policies regarding public access.

APPELLANTS: California Coastal Commissioners Sara Wan & Cecilia Estolano; Coalition to Save the Marina Inc.

SUBSTANTIVE FILE DOCUMENTS:

1. Marina Del Rey certified Local Coastal Plan, 1995.

I. APPEAL PROCEDURES

After certification of a local coastal program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, mean high tide line, or the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not the designated “principal permitted use” under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

The County of Los Angeles’ Marina Del Rey LCP was certified on May 10, 1995. The County approval of the proposed project is appealable because the project is located between the sea and the first public road paralleling the sea and is also located within tidelands.

Section 30603(a) of the Coastal Act identifies which types of development are appealable. Section 30603(a) states, in part:

- (a) *After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*
 - (1) *Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
 - (2) *Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

The grounds for appeal of an approved local Coastal Development Permit in the appealable area are stated in Section 30603(b)(1), which states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the Commission is deemed to have found that the appeal raises a substantial issue, and the Commission will proceed to the de novo public hearing on the merits of the project.

The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

II. APPELLANTS' CONTENTIONS

The County approval of the proposed development was appealed on November 29, 2000, by two appellants. The project was appealed by the California Coastal Commissioners Sara Wan and Cecilia Estolano; and by the Coalition to Save the Marina Inc. (John Davis). The appellants contend that the proposed development is not consistent with the access policies of the Coastal Act and does not conform to the requirements of the Local Coastal Program.

The appeal by the California Coastal Commission contends that:

1. The County's submittal does not include a traffic analysis to support their finding that the project will not generate additional traffic trips and therefore, traffic mitigation is not necessary. Transportation fees are required under the certified LCP, as mitigation to off-set any impacts new projects generate. These fees are used for traffic improvements in and around the Marina. Traffic increases generated by new development, if not properly mitigated, could have an adverse impact on the public's ability to access the beach in and around the Marina. Based on the information provided, it can not be determine whether there will or will not be traffic impacts and if mitigation is necessary.
2. The certified LCP requires that new development provide view corridors from adjacent public streets. The width of required view corridors on the parcel increases with the height of the proposed development. The County's findings indicate that the project will reduce the existing view corridor along Via Marina (public street) by approximately 18 feet. As proposed the view corridor comprises the existing street, rather than a percentage of the parcel to be developed as required in the certified LCP. The County's findings state that the view corridor through Bora Bora Way will actually be improved by the proposed realignment and straightening of the road which will improve the line of sight. Furthermore, according to the County's findings, the viewing area lost will be compensated for by the proposed view park at the end of Bora Bora Way.

The County has not provided a view analysis that would support the finding that the views would be improved and that the view park is an appropriate alternative that would adequately compensate for the potential loss of views from Via Marina. The loss of 18 feet of viewing area could have an adverse impact on pedestrians' and motorists' ability to view the marina from Via Marina.

The appeal by Coalition to Save the Marina Inc. contends:

1. Non-compliance with Coastal Act Sections 3001.5c, 30210, 30211, 30212, and 30252.
2. Non-compliance with Section 65590 Planning and Zoning law
3. Non-compliance with Public resources Code Sections 2690-2699.6

4. California Environmental Quality Act violations
5. National Environmental Protection Act violations

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the City's approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to Public Resources Code Section 30625(b)(1).

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-PDR-00-077 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant proposes the demolition of an existing administration building, construction of one 120 unit, 60-foot tall apartment building (72 one-bedroom and 48 two-bedroom units; four residential stories over two levels of parking) with appurtenant office administration (leasing) and fitness center facilities on Parcel 112; phased replacement and reconfiguration of the existing Marina Harbor Anchorage, resulting in the elimination of 271 existing boat slips and replacement of 590 existing boat aging slips; phased renovation of 846 existing apartment units on Parcels 111 and 112, including improvement to the exterior "hardscape" and landscape of the developed parcels; construction of a public promenade along the seawall bulkhead of Parcels 111 and 112, including an approximately 4,500 square foot public viewing park at the eastern corner of Parcel 112, adjacent to the main channel; and realignment of Bora Bora Way approximately 60 feet to the north of its current intersection with Via Marina to facilitate construction of the proposed apartment building.

Parcels 111 and 112 are located along Bora Bora Way and Via Marina, in the southwest portion of Marina Del Rey.

B. Area wide Description

Marina del Rey covers approximately 807 acres of land and water in the County of Los Angeles (see Exhibit No. 1-3). Marina Del Rey is located between the coastal communities of Venice and Playa Del Rey. The Marina is owned by the County and operated by the Department of Beaches and Harbors.

The existing Marina began its development in 1962 when the dredging of the inland basin was completed. The primary use of the Marina is recreational boating. The marina provides approximately 5,923 boating berths. Other boating facilities include transient docks, a public launching ramp, repair yards, charter and rental boats, harbor tours, and sailing instructions.

Other recreational facilities include: Burton W. Chase Park, Admiralty Park, a public beach and picnic area, bicycle trail, and limited pedestrian access along the marina bulkheads and north jetty promenade.

Along with the recreational facilities the Marina is developed with multi-family residential projects, hotels, restaurants, commercial, retail and office development.

Within the Marina, most structural improvements have been made by private entrepreneurs, operating under long-term land leases. These leases were awarded by open competitive bids in the early and mid 1960's. The developers were required to construct improvements on unimproved parcels in conformance with authorized uses designated in their leases and pursuant to a master plan for the Marina. Most leases will expire after 2020.

Within the existing Marina development has basically occurred on all leasehold parcels. This development is generally referred to as Phase I development. Recycling, intensification, or conversion of these initial uses on leased parcels is referred to as Phase II development.

C. Local Coastal Program Background

In 1984, the Commission certified the County's Land Use Plan portion of the Marina Del Rey/Ballona segment of the County of Los Angeles Local Coastal Program. Subsequent to the Commission's certification, the City of Los Angeles annexed over 525 acres of undeveloped land, which was a portion of the County's LCP area located south of Ballona Creek and east of Lincoln Boulevard (known as Area B and C). Subsequent to the City's annexation, the City submitted the identical Land Use Plan (the Playa Vista segment of the City's Local Coastal Program) covering the City's portion of the original County LCP area. The Commission certified the LCP for the annexed area with suggested modifications on December 9, 1986. The County also resubmitted those portions of their previously certified LUP that applied to areas still under County jurisdiction, including the area known as Area "A", and the existing Marina. The Commission certified the County of Los Angeles' revised Marina Del Rey land Use Plan on December 9, 1986.

On September 12, 1990, the Commission certified, with suggested modifications, an Implementation Program pertaining to the existing marina. The undeveloped area in the County, Playa Vista Area "A" was segmented from the marina and no ordinances were certified

for the area. After accepting the suggested modifications, the Commission effectively certified the Marina Del Rey LCP and the County assumed permit issuing authority.

In 1995, the County submitted an amendment to the LCP. In May 1995, the Commission certified the LCPA with suggested modifications. The County accepted the modifications and the LCP was effectively certified.

D. DESCRIPTION OF LOCAL APPROVAL

On October 18, 2000, the County of Los Angeles Regional Planning Commission approved a coastal development permit, with conditions, associated with land-side redevelopment on Parcels 111 and 112, and phased replacement of the existing Parcel 111 and Parcel 112 "Basin A" anchorage (see Exhibit No. 6).

The action by the Planning Commission was appealable to the County's Board of Supervisors. However, no appeals were filed with the Board and notice of the County's final action was received by the Coastal Commission's South Coast District office on November 13, 2000.

E. SUBSTANTIAL ISSUE ANALYSIS

Section 30603(a)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., tit. 14, section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;

2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City raises a substantial issue with regard to the appellants' contentions regarding coastal resources.

1. Appellants' Contentions that Raise a Substantial Issue

The contentions raised in the appeal present valid grounds for appeal in that they allege the project's inconsistency with the access policies of the Coastal Act and the Commission finds that a substantial issue is raised.

As stated above, two separate appellants have filed appeals. Listed below are the appellants' contentions that address access policies of the Coastal Act:

a) Access/Traffic

The appellants contend that the project raises a substantial issue regarding consistency with the public access policies of the Coastal Act. Non-conformance with the public access policies of the Coastal Act provides valid grounds for appeal pursuant to Section 30603(b)(1) of the Coastal Act.

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

Section 30212.5.

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

i) Appeal by Commission contends:

1. The County, in its findings, indicates that the project will not generate additional traffic trips since the project will be eliminating 271 boat slips and a 4,031 square foot office commercial building. Therefore, since the project will not generate additional traffic trips, the County concludes that transportation fees, which are used to mitigate traffic impacts, are not required for the proposed project since there are no traffic impacts. The County's record does not include a traffic analysis to support their finding that the project will not generate additional traffic trips. Therefore, based on the information provided, it can not be determine whether there will or will not be traffic impacts and if mitigation is necessary.

ii) The appeal by Coalition to Save the Marina Inc. contends:

Non-compliance with Coastal Act Sections 30210, 30211, 30212, 30252 and 3001.5c.

The Coastal Act requires that development maintain and enhance public access to the coast by assuring that development occurs in areas that can accommodate it and by reserving capacity on access routes for recreational traffic.

The appellants contend that the information provided is not sufficient to conclude that the proposed project will not generate additional traffic trips. The County's record indicates that

the applicant is proposing to reduce the number of boat slips by 271 and eliminate 4,031 square feet of commercial office space. Therefore, the County asserts that the project would result in a net reduction in traffic trips.

However, based on the record submitted by the County, the County relied on a one-page letter, and attached table submitted by the applicant's consulting traffic engineer, to determine the trip generation of the proposed expansion (see Exhibit No.7). The letter concluded that there would be a net decrease in trips compared with the current trips during the 24-hour period and both peak hours.

It appears that the one page analysis was based on standard trip generation assumptions. However, the analysis does not provide or reference the basis for these assumptions or explain why it was determined to be appropriate to use trip generation assumptions for these uses in this particular area. Furthermore, the estimated trip generation in the table does not indicate if the vehicle trip peak is for weekday or weekend. Such information is important for analyzing a project's potential impact on traffic and beach access in this area. Without such information a finding that the project is consistent with the access policies of the Coastal Act can not be made.

Transportation fees are required under the certified LCP, as mitigation to off-set any impacts new projects generate. These fees are used for traffic improvements in and around the Marina. Traffic increases generated by new development, if not properly mitigated, could have an adverse impact on the public's ability to access the beach in and around the Marina by contributing to the congestion of the roadway system and exacerbating access difficulties to public recreational areas. Therefore, based on the information provided, it can not be determined that there will be traffic impacts and no mitigation is necessary. Therefore, the appellant's contentions do raise a substantial issue with respect to the public access provisions of the Coastal Act.

2. Appellants' Contentions that Do Not Raise a Substantial Issue

a) Public Views

In part, the appellants contend that the development does not protect public views from public roads and is inconsistent with the policies of the certified LCP. The certified LCP requires that new development provide view corridors from adjacent public streets. Section 22.46.1060(E)(2) states:

View Corridor Requirements. Parcels located between the water and the first public road shall provide a view corridor allowing uninterrupted views of the harbor from the road to the waterside, at ground level. The design, location and feasibility of view corridors shall be determined by the Director and shall be based on the distance from the first public road to the bulkhead, the parcel's land use category, configuration and the intensity of development allowed by the Specific Plan.

a. Where a view corridor is physically feasible, the optimum width of such a view corridor shall be a minimum of 20 percent of the water frontage of the site.

b. Where the Director finds an alternate method for providing a view corridor, the Director may apply credit toward the view corridor percentage standards.

c. Where the Director finds that a view corridor cannot be physically located anywhere on the parcel to provide a view of the harbor from the road, the Director may waive the requirement.

3. View Corridor Standards. View corridors shall be maintained so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and passing motorists. Unobstructed views are defined as views with no inhibition of visual access to the water. Parking lots may be depressed below grade such that views are possible over parked vehicles; the Director shall determine whether a parking lot designed as such warrants credit toward the view corridor requirement. A depression of two feet below grade shall be the minimum considered for view corridor credit through a parking lot. Additionally, landscaping shall be placed and maintained so as not to obstruct water views. Where the Director finds that such combination is appropriate, view corridors shall be combined with vertical accessways.

The intent of the view corridor requirement is to provide increased public views from the first public road on parcels that are proposed for development or redevelopment. The proposed project consists of two separate parcels: Parcel 111 and 112 (see Exhibit No. 4). On Parcel 111 the applicant is proposing to renovate the existing apartment units including improvements to the exterior “hardscape” and landscape of the developed parcel; and construction of a public promenade along the seawall bulkhead of Parcels 111. No existing buildings will be demolished and no new buildings will be constructed on parcel 111.

On Parcel 112 the applicant proposes to demolish an existing commercial building and construct 120- apartment units, construct a public promenade along the seawall bulkhead and view park along the eastern end of the parcel (see Exhibit No. 5).

On parcel 111, since no new buildings are proposed that would impact public views from the public roads (Via Marina and Tahiti Way), additional view corridors are not required. However, the project includes realigning Bora Bora Way, by moving the intersection approximately 60 feet north across parcel 111(see Exhibit No. 5a). The realignment will require the removal of a section of a surface parking lot, which contributes to the area for the view corridor. This realignment will reduce the width of the view corridor by 18 feet, according to the County. However, the County’s record, which includes exiting site plans and photographs of the area, indicates that views from Via Marina through Bora Bora Way are virtually blocked by existing vegetation (large mature trees).

The County’s findings state the proposed project will enhance views from Via Marina through the realignment, which will result in a more direct line of sight from Via Marina to the water, and through the re-landscaping of the area, which will open the area up and provide

unobstructed views. The redesign of the roadway will relocate the majority of the parking spaces currently located within the view corridor, and at street level, to outside of the view corridor. The 7 to 8 spaces remaining in the new realigned view corridor will be depressed 2 to 4 feet below Via Marina, consistent with the LCP requirements. To ensure that the views are enhanced from Via Marina and its view corridor the County has required the applicant, as a condition of the permit, to provide landscaping plans that will maintain all view corridors so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and motorists. The condition also requires that the applicant maintain the landscaping so as not to obstruct water views.

Furthermore, on parcel 111, the applicant is maintaining the existing view corridors from the public streets that are located throughout the parcel along Via Marina and Tahiti Way. The existing view corridors, not including Bora Bora Way, amount to 21% of the parcel's water frontage (see Exhibit No. 5b). Under the LCP policy, if the parcel was being redeveloped, the minimum view corridor width would be 20 percent.

On Parcel 112, the applicant is proposing the demolition of an existing structure and construction of a 120-unit apartment complex, along with renovation of existing apartments and access improvements. On this site, because the applicant is proposing a new structure, the provision of a view corridor must be considered. The LCP states that parcels located between the water and the first public road shall provide a view corridor from the road to the waterside. On this particular site, however, the first public road (Bora Bora Way) is located between the water and the parcel (on most other mole roads, the developable parcels are located between the road and water). The parcel fronts on Bora Bora Way and backs up against existing development on an adjacent parcel. Therefore, public views are from and along Bora Bora Way and development on parcel 112 will not adversely impact views to the water. Therefore, the County found that since the development on parcel 112 would not impact views from Bora Bora Way, an additional view corridor was not required.

Furthermore, the applicant is proposing to provide a 4,800 square foot view park, with 147 lineal feet of water frontage, at the eastern end of the parcel and at the end of Bora Bora Way (see Exhibit No. 5d). Under the certified LCP, a 500 square foot view park is required as an access improvement on parcel 112. The proposed park will provide additional viewing opportunities for pedestrians and motorists along Bora Bora Way.

The LCP allows the County the discretion to determine if view corridors are physically feasible and practical for each parcel. On parcel 111 the County found that the view corridor will be reduced by 18 feet but views will be enhanced over the present obstructed views by improving the sight line and re-landscaping. Moreover, parcel 111 will maintain the remaining view corridors found throughout the parcel. On parcel 112 the County found that the proposed development did not adversely impact public views from the first public road and that the applicant will enhance public views through the proposed pedestrian walkway and the proposed view park. The Commission concurs with the County's analysis and finds that the approved project, as conditioned, will not adversely impact public views and is consistent with

the view policies of the certified LCP. Therefore, the proposed project does not raise a substantial issue with respect to views.

Conclusion

The Commission finds that substantial issues exist with respect to the approved project's conformance with the access policies of the Coastal Act. Therefore, appeal No. A-5-MDR-00-472 raises a substantial issue with respect to the grounds on which the appeals have been filed with regards to the access policies of the Coastal Act.

3. Issues Raised by Appellants that do not Address the Approved Project's Inconsistency with the certified LCP or Access Policies of the Coastal Act

As stated, the grounds for an appeal are limited to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. The contentions listed below do not address any grounds for appeal with respect to the LCP or Access policies of the Coastal Act.

The appeal by Coalition to Save the Marina Inc. contends:

a. Non-compliance with Section 65590 Planning and Zoning Law

Section 65590 of the Planning and Zoning Law addresses the provision of low and moderate income housing within the Coastal Zone for local governments. The provision of low and moderate income housing is not a standard of the certified LCP and is not a Coastal Act issue. This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

b. Non-compliance with Public Resources Code Sections 2690-2699.6

Public Resources Code Section 2690-2699.6 refers to the Seismic Hazards Mapping Act. The appellant has not stated how this code section pertains to the standards of the LCP and the proposed project's consistency with the LCP. This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

c. California Environmental Quality Act violations

All Coastal Development Permits must comply with the applicable provisions of the California Environmental Quality Act (CEQA). However, this contention raises no specific issues with respect to the project's non-compliance with CEQA and does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention

does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

d. National Environmental Protection Act violations

This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

F. INFORMATION NEEDED FOR DE NOVO HEARING

As discussed previously in this report, additional traffic analysis is necessary to evaluate the project's traffic impacts. Once this information is provided, staff can prepare a recommendation for the de novo portion of the appeal. A de novo hearing will be scheduled at a future Commission meeting.